

DELEGATE KIEFER: Delegate Pullen, that is a correct reading of Article 7, but it is not at all germane to what we are talking about. That comes later.

DELEGATE J. CLARK (presiding): Are there any further questions on this section?

DELEGATE PULLEN: I apologize if I am not germane, but you were talking about a ten dollar trial a while ago and this is only twice ten dollars.

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: But one is a civil case, the other is a criminal case, and there is quite a difference. We will come to the civil within a few minutes, I hope.

DELEGATE J. CLARK (presiding): Are there any other questions on section 5? The Chair hearing none, we will move to section 6. Are there any questions on section 6?

This is unbelievable.

Oh, Delegate Willoner.

DELEGATE WILLONER: Sorry about that.

Mr. Chairman, was not our intent in adopting the language of section 6, paragraph B, where we did not adopt the language of the Federal Constitution, to not adopt the procedures that follow double jeopardy in the federal courts, but to try the common law of Maryland as a constitutional right and eliminate appeals by the State in minor offenses?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: This is correct, but if somebody asks the difference between the two, you are going to have to answer him.

DELEGATE J. CLARK (presiding): Are there any further questions on section 6? The Chair recognizes Delegate Grant.

DELEGATE GRANT: In the interpretation of "compelled to be a witness against himself," is this limited to oral testimony, or is it also intended to exclude the introduction of government records which are required by law?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: That is the broad concept of the Fifth Amendment and also

our own Declaration of Rights. It is as broad as it can be, yes.

DELEGATE J. CLARK (presiding): Are there any further questions on section 6? The Chair hearing none, we will move to section 7.

DELEGATE KIEFER: Dr. Pullen, section 7 refers to civil cases, and this is where your question would come in.

Now, the United States Constitution providing for jury trials in civil cases of twenty dollars or more, is a matter that does not by Supreme Court decision apply to or affect state actions, so that what we are making here in effect is our own statement. This is one of the few areas where the federal Bill of Rights is not applicable to state action.

DELEGATE J. CLARK (presiding): Dr. Pullen.

DELEGATE PULLEN: Mr. Chairman, I understood that. I merely wanted to ask the question to point out that in one case we handle a ten dollar matter and in the other case it is twenty—it does not make much difference. The point is it is all predicated on the value of the money involved.

DELEGATE J. CLARK (presiding): Are there any further questions on section 7?

The Chair hears none.

We will go to section 8.

Are there any questions on section 8?

*(There was no response.)*

The Chair hears none.

Delegate Bothe.

DELEGATE BOTHE: Delegate Kiefer, the Committee has determined not to include in the recommendations for the new Declaration of Rights the content of what is now Article 16 of the Declaration of Rights which says that sanguinary laws ought to be avoided as far as is consistent with the safety of the State, and so forth.

Sanguinary law, as I understand it, is one calling for the infliction of capital punishment.

Could you state for the record whether the Committee had any intention with regard to the subject matter of that section when it determined upon omitting it?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: You do not know the answer, or do you just want to find out if I do not know the answer?